

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

COGNIZANT TRIZETTO SOFTWARE
GROUP, INC.,

Plaintiff,

v.

INFOSYS LIMITED,

Defendant.

INFOSYS LIMITED,

Counterclaim Plaintiff,

v.

COGNIZANT TECHNOLOGY
SOLUTIONS CORP. and COGNIZANT
TRIZETTO SOFTWARE GROUP, INC.,

Counterclaim Defendants.

Case No. 3:24-cv-2158-X

The Honorable Brantley Starr

**COGNIZANT TECHNOLOGY SOLUTIONS CORP.’S AND COGNIZANT TRIZETTO
SOFTWARE GROUP, INC.’S MOTION TO DISMISS INFOSYS LIMITED’S
COUNTERCLAIM**

Counterclaim Defendant Cognizant Technology Solutions Corp. (“CTS”) and Plaintiff and Counterclaim Defendant Cognizant TriZetto Software Group, Inc. (“TriZetto”) (collectively “Cognizant”) respectfully move to dismiss the antitrust counterclaims asserted by Infosys Limited (“Infosys”) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure because Infosys fails to state a claim upon which relief can be granted. Dismissal is appropriate for the following reasons, as set forth in detail in the accompanying brief in support:

First, Infosys fails to state a claim for monopolization under Section 2 of the Sherman Act because its Counterclaim fails to allege (a) plausible relevant product markets; (b) that Cognizant had monopoly power in any relevant product market; (c) any recognized form of exclusionary conduct by Cognizant; and (d) that Infosys suffered any recognized antitrust injury resulting from harm to competition in the relevant markets.

Second, Infosys's claim for attempted monopolization fails because it has not alleged (a) plausible relevant product markets; (b) any recognized form of exclusionary conduct by Cognizant; (c) that Infosys suffered any recognized antitrust injury resulting from harm to competition in the relevant markets; or (d) a specific intent to monopolize.

Third, Infosys fails to state a claim under Section 1 of the Sherman Act because its Counterclaim fails to allege (a) plausible relevant product markets; (b) that any of the confidentiality agreements that Cognizant requires its licensee customers and their third-party IT servicers to sign are unreasonable restraints of trade; and (c) that Infosys suffered any recognized antitrust injury.

Third, because Infosys fails to state a claim under the Sherman Act, it also fails to state a claim under the Texas Free Enterprise and Antitrust Act (“TFEAA”), which is interpreted “in harmony with federal judicial interpretations of comparable federal antitrust statutes.” Tex. Bus. & Com. Code § 15.04. Thus, the failure of Infosys's claims under the Sherman Act requires dismissal of the TFEAA claims as well.

Infosys's claims are insufficient as a matter of law and thus fail to state a claim upon which relief can be granted. Cognizant accordingly requests that the Court dismiss Infosys's Counterclaim in its entirety and with prejudice.

Dated: March 10, 2025

/s/ Rachel S. Brass

Rachel S. Brass (*admitted pro hac vice*)
California Bar: 219301
L. Kieran Kieckhefer (*admitted pro hac vice*)
California Bar: 251978
Elizabeth McCloskey (*admitted pro hac vice*)
California Bar: 268184
GIBSON, DUNN & CRUTCHER LLP
One Embarcadero Center, Suite 2600
San Francisco, CA 94111
Tel: 415.393.8200
Fax: 415.393.8306
rbrass@gibsondunn.com
emccloskey@gibsondunn.com
kkieckhefer@gibsondunn.com

John T. Cox III

Texas Bar: 24003722

Betty Yang

Texas Bar: 24088690

Bradley G. Hubbard

Texas Bar: 24090174

GIBSON, DUNN & CRUTCHER LLP

2001 Ross Avenue, Suite 2100

Dallas, TX 75201

Tel: 214.698.3226

Fax: 214.571.2900

tcox@gibsondunn.com

byang@gibsondunn.com

bhubbard@gibsondunn.com

Samuel G. Liversidge (*admitted pro hac vice*)

California Bar: 180578

S. Christopher Whittaker (*admitted pro hac vice*)

California Bar: 283518

GIBSON, DUNN & CRUTCHER LLP

333 South Grand Avenue

Los Angeles, CA 90071

Tel: 213.229.7000

Fax: 213.229.7520

sliversidge@gibsondunn.com

cwhittaker@gibsondunn.com

Attorneys for Counterclaim Defendants

Cognizant TriZetto Software Group, Inc. and

Cognizant Technology Solutions Corp.

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which sent notification of the filing to all counsel of record.

Dated: March 10, 2025

/s/ Rachel S. Brass
Rachel S. Brass